

### **REMARKS/ARGUMENTS**

Claims 23-25 and 51-79 remain in the application for further prosecution. Claims 23-25, 51, 53-55, 58, 62-64, 66, 68, 70, and 72 have been amended. Claims 75-79 have been added.

#### **Claim Rejections - 35 U.S.C. § 102 and § 102**

Claims 23-25, 51-57 and 66-74 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,666,766 ("Baerlocher").

Claims 58-65 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,428,412 ("Anderson et al.").

#### **Claim 23**

Claim 23 has been amended to further clarify it from Baerlocher. Claim 23 now requires "for the given one of the objects, randomly selecting a destination from the plurality of destinations and, after the destination has been selected, selecting one of the possible movement patterns based on the assigned probabilities." One example of this selection process is set forth in Table II in the present specification at paragraph 79-80, which illustrates the different probabilities for different movement patterns such that "the destination determines the run pattern of the guest 58 going to that destination." Paragraph 79. Further, as amended, claim 23 requires that the moving objects are displayed in a manner in which the objects are "simultaneously" moving. Neither of these limitations is shown in Baerlocher.

According to the Office Action, Baerlocher's paths for each pachinko ball are analogous to the claimed "movement patterns." In Baerlocher's system, the player's award is selected by the computer in accordance to the probabilities of FIG. 7. Col. 13, lines 10-30. Then, based on the player's input at one of the 4 areas (W, X, Y, Z), one of the paths is selected that will lead to one of two "destinations" corresponding to the selected award value. Thus, depending on which of the 4 areas (W, X, Y, Z) the player selects, the selecting of one of Baerlocher's paths dictates

which of the two destinations (i.e., which of the two award positions) is to receive the video pachinko ball. See Col. 13, lines 40-42. Thus, the pachinko ball's destination is dictated by the path selected. As such, Baerlocher's teaching is directly opposite to what is now claimed in independent claim 23 – that the selection of the movement pattern occurs after the destination is determined.

Furthermore, claim 23 require that multiple objects are “simultaneously” moving to the destinations. FIGS. 19-24 illustrate the various guests 58 moving from the center of the board to a particular destination. Again, Baerlocher teaches nothing about multiple pachinko balls moving within its game at the same time.

It should be noted that dependent claims 24 and 25 have been amended. Claim 24 requires “wherein the assigned probabilities for the movement patterns for the selected destination are different.” Baerlocher's probabilities for the paths for any particular destination are identical, as shown the “Probability Per Path (%)” of column 212 in FIG. 8. Claim 25 requires “the randomly selected destination and the movement of the object to the randomly selected destination occur without any player input.” This is the opposite of Baerlocher, which requires player input for the ball-start locations W, X, Y, or Z before determining the destination of the pachinko ball and the movement pattern of the pachinko ball.

#### **Claim 51**

As evidenced by the title of the present application, the wagering game in accordance with the present invention includes game characters having a “simulated artificial intelligence feature.” And, to have simulated artificial intelligence feature, the display images must be presented to the players as something that is capable of exhibiting “intelligence” – not a pachinko ball that follows a movement pattern in accordance with the “laws of physics” as is

repeatedly emphasized throughout Baerlocher. Thus, claim 51 has been amended to change the term “object” to “character” to help capture this distinction. Further, claim 51 requires “the plurality of different behaviors providing a simulated intelligence to the movable characters” and “displaying the behaviors assigned to the respective characters such that the characters exhibit the simulated intelligence while moving.”

A primary object in Baerlocher is to ensure the video pachinko game provides the player with a belief that the pachinko balls are falling in accordance with the laws of physics. Thus, the player of Baerlocher’s game will not believe the video pachinko game is “fixed,” but instead, follows the randomness of a real pachinko game where the physical ball repeatedly hits pegs before the outcome is achieved. Consequently, the video pachinko balls in Baerlocher do not (and cannot) exhibit any type of simulated intelligence. Otherwise, they would not mimic the inanimate pachinko balls. Further, Baerlocher could never be modified to alter the movements of the video pachinko balls so that they behave with some level of simulated intelligence because to do so would render Baerlocher unsatisfactory for its intended purpose.

Accordingly, Applicants believe that independent claim 51 and its dependent claims are allowable over the prior art.

#### **Claim 58**

As mentioned with regard to claim 51, the focus of the wagering game is on a simulated intelligence feature. And, one example of this selection process that helps to provide the artificial intelligence feature involves the behaviors set forth in Table II in the present specification at paragraph 79-80, which illustrates the different probabilities for different movement patterns such that “the destination determines the run pattern of the guest 58 going to that destination.” Paragraph 79.

Amended claim 58 now requires assigning “different” probabilities to the possible second behaviors depending upon the associated outcome for that object. Table II provides one example of this assignment of different probabilities depending on the outcome.

The rejection based on Anderson is premised on the notion that the “second behaviors” are either “sitting” or “standing.” It is also noted that the Office Action analogizes “a sitting position” and “a standing position” as the “outcomes.” For two reasons, the Applicants do not agree that if the “sitting position” is considered to be an outcome, then “sitting” can also be considered to be the second behavior (or if the “standing position” is considered to be the outcome, then “standing” can be the second behavior) so as to make a proper rejection of claim 58. First, the outcome (“sitting”) should not be construed to also be the second behavior (“sitting”). And second, each object is assigned one of a plurality of second behaviors based on the associated outcome for the object. Thus, even if “sitting” could be both the outcome and the second behavior, there could not be a plurality of second behaviors from which one is assigned to that object.

In any event, claim 58 has been amended to further distinguish it from the prior art. Claim 58 now requires assigning “different” probabilities to the possible second behaviors depending upon the associated outcome for that object. Anderson fails to teach such a limitation. And, Baerlocher, although not applied to claim 58, teaches the probabilities for the paths for any particular destination are identical, as shown the “Probability Per Path (%)” column 212 in FIG. 8. Hence, amended claim 58 and its dependent claims are allowable over the prior art.

#### **Claim 66**

As mentioned with regard to claim 51, the present invention relates to a simulated intelligence feature. Thus, claim 66 has been amended to change the term “object” to

“character” to help capture this distinction. Further, claim 66 requires that the processor “cause the display to display the behaviors assigned to the respective characters such that the characters move and behave with simulated intelligence as the characters move to the randomly selected outcomes.” Thus, the behaviors are such that that the player of the wagering game perceives the characters as having artificial intelligence as the characters move to their randomly selected outcomes.

As mentioned above, the primary object in Baerlocher is to ensure the video pachinko game provides the player with a belief that the video pachinko balls are falling in accordance with the laws of physics, just like a real pachinko game where the ball repeatedly hits pegs before the outcome is achieved. Consequently, the video pachinko balls in Baerlocher are specifically designed to not exhibit any type of simulated artificial intelligence -- otherwise they would not mimic the inanimate pachinko balls. Further, Baerlocher could never be modified to alter the movements of the video pachinko balls so that they behave with some level of simulated intelligence because to do so would render Baerlocher unsatisfactory for its intended purpose.

#### **New Claim 77**

New claim 77 is similar to former claim 23 except that the term “objects” has been replaced by “characters” and the characters exhibit simulated intelligence while moving. Further, new claim 77 requires the selection of the movement pattern to occur after the destination is determined. As described above, these features are not shown in Baerlocher or Anderson.

**Conclusion**

It is Applicant's belief that all of the claims are now in condition for allowance and actions towards that effect is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the number indicated.

Respectfully submitted,



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